

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THOMAS K. MILLS,

Plaintiff,

v.

ZACHERY JONES, et al.

Defendants.

No. 1:23-cv-01214-JLT-SAB (PC)

ORDER VACATING AUGUST 15, 2023,  
ORDER AND DIRECTING CLERK OF  
COURT TO SEND PLAINTIFF AN  
APPLICATION TO PROCEED WITHOUT  
PREPAYING FEES OR COSTS BY A NON-  
PRISONER

(ECF Nos. 3, 6)

Plaintiff is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed the instant action on August 14, 2023. (ECF No.1.)

On August 15, 2023, the Court issued an order directing Plaintiff to complete and submit an application to proceed in forma pauperis by a prisoner or pay the \$402.00 filing fee within forty-five days. (ECF No. 3.)

On September 11, 2023, Plaintiff filed a motion requesting an order that he not be obligated to pay any filing fees. (ECF No. 6.) In his motion, Plaintiff correctly points out that at the time he filed the instant action on August 14, 2023, he was out of state custody having been released on August 2, 2023. (Id.) Thus, the Court inadvertently sent Plaintiff the wrong application to proceed in forma by a *prisoner*. Therefore, the Court will send Plaintiff the correct application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff is advised that he

1 is not authorized to proceed without prepayment of the fees and costs without completion and  
2 submission of the proper application.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. The Court's August 15, 2023, order (ECF No. 3) is VACATED;
- 5 2. The Clerk of Court shall send Plaintiff an application to proceed without prepaying  
6 fees or costs for a *non-prisoner*; and
- 7 3. Within thirty (30) days from the date of service of this order, Plaintiff shall either  
8 pay the \$402.00 filing fee or submit the completed application to proceed without  
9 prepaying fees or costs by a non-prisoner provided herewith.

10 IT IS SO ORDERED.

11 Dated: September 12, 2023

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14 UNITED STATES MAGISTRATE JUDGE  
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